

INCOMING TELEGRAM *Department of State*

62238

84

48 CONFIDENTIAL

Action

NNNNVZCZCESB838VV MOA268

I

RR RUEHC
DE RUESMO 4461 041200Z

Info

ZNY CCCCC
R 101945Z FEB 67
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC
STATE GRNC
BT

010042
1967 FEB 10 PM 6 12

cc/LA
cc/LAM

SS

GPM

H

ARA

NSC

INR

CIA

NSA

SCA

SGS

RSR

CONFIDENTIAL MEXICO 4460

DEPCIRTEL 133518

1. ARTICLE VI, CONSULAR CONVENTION WITH MEXICO, CLEARLY GIVES RIGHT TO US CITIZENS AT ALL TIMES TO COMMUNICATE WITH US CONSULAR OFFICERS STATIONED IN MEXICO. THESE OFFICERS IN TURN CLEARLY HAVE RIGHT OF ACCESS TO US CITIZENS. IN LARGE METROPOLITAN AREAS WHERE MEXICAN AUTHORITIES ARE FAMILIAR WITH PROVISIONS OF CONVENTION, ESTABLISHED PROCEDURES FOR NOTIFICATION AND ACCESS OPERATE GENERALLY WELL. IN SMALLER MUNICIPALITIES, US CONSULAR OFFICERS OCCASIONALLY ENCOUNTER A LACK OF KNOWLEDGE OF CONVENTION, AND CONSEQUENT ABSENCE OF PROCEDURES FOR INSURING NOTIFICATION AND ACCESS. ONCE LOCAL AUTHORITIES HAVE BEEN MADE AWARE OF CONVENTION OBLIGATIONS, THESE ARE USUALLY MET. HOWEVER, IT IS ALSO TRUE THAT OCCASIONALLY THERE IS GOVT OFFICIAL DELIBERATELY AND ILLEGALLY EXPLOITING A SITUATION FROM WHICH HE ATTEMPTS

PAGE 2 RUESMO 4460 CONFIDENTIAL
TO DERIVE PROFITS.

2. NEITHER IN CONVENTION NOR IN PRACTICE DO LOCAL STANDARDS CONCERNING NOTIFICATION AND ACCESS IMPOSE TIME REQUIREMENTS SUCH AS NOTIFICATION WITHIN ONE OR THREE DAYS AND ACCESS WITHIN TWO TO FOUR DAYS MENTIONED IN CIRCULAR 133518. MEXICAN CONVENTION THEORETICALLY PERMITS IMMEDIATE NOTIFICATION AND ACCESS.

3. CONSENSUS CONSULAR OFFICERS ENGAGED PROTECTION WORK AT EMBASSY THAT IN VAST MAJORITY OF INSTANCES CONVENTION PROVISIONS ARE OBSERVED BY MEXICAN AUTHORITIES, THAT IN ALL BUT RELATIVELY FEW CASES, US CITIZENS IN TROUBLE HAVE BEEN PERMITTED COMMUNICATE PROMPTLY WITH US CONSULAR OFFICERS AND THEY TOO HAVE ACCESS TO SUCH CITIZENS. THREE SPECIFIC EXAMPLES OF SUCH EXCEPTIONAL FEW CASES ARE: A) [REDACTED] - FIVE TO SIX HOURS INTERVENED BETWEEN TIME HE WAS TAKEN INTO CUSTODY BY MEXICAN AUTHORITIES AND HIS BEING ABLE TO NOTIFY EMBASSY OF CONFINEMENT.

CONFIDENTIAL

-2- MEXICO 4460 FEBRUARY 10, 1967

STAT B) [] - SEVERAL WEEKS PASSED BETWEEN HIS FORCIBLE
REMOVAL BY POLICE OFFICERS FROM MEXICO CITY TO CUERNAVACA
STAT [] JAIL, AND THE COMING OF THIS TO ATTENTION OF CONSULAR OFFICERS
[] WHETHER, [] EVER DESIRED OR TRIED TO CONTACT

STAT PAGE 3 RUESMO 4461 C O N F I D E N T I A L
CONSULAR OFFICERS DIRECTLY IS NOT INDICATED BY RECORD. C)
[] - SHE WAS ONE OF FIVE US CITIZENS ARRESTED
FOR MARIJUANA POSSESSION IN ACAPULCO ON A TUESDAY. EMBASSY WAS
STAT FIRST NOTIFIED OF HER DETENTION FOLLOWING SATURDAY BY TELEGRAM
FROM DEPARTMENT EXPRESSING CONGRESSIONAL INTEREST. IN THIS
STAT INSTANCE APPEARS [] WAS PERMITTED NOTIFICATION AND
STAT CHOSE TO CONTACT SOMEONE IN US RATHER THAN EMBASSY. THE []
AND [] EXAMPLES POINT UP A WEAKNESS IN NOTIFICATION
PROCEDURE; NAMELY, THERE IS NO REQUIREMENT ON MEXICAN
AUTHORITIES TO NOTIFY US CONSULAR OFFICERS ABOUT A US CITIZEN
IN TROUBLE, ALTHOUGH GENERALLY THEY DO THIS. STRICTLY AND
FORMALLY, INITIATIVE IN EXERCISING NOTIFICATION RIGHT IS FOR
US CITIZEN TO DEMAND AND TAKE. IF DETAINED CITIZEN DOES NOT
SEEK EXERCISE OF THIS RIGHT, IT IS POSSIBLE THOUGH UNLIKELY
THAT CONSIDERABLE TIME COULD PASS BEFORE HIS PLIGHT CAME TO
ATTENTION OF US CONSULAR OFFICERS.

GP-4.

FREEMAN
BT

CONFIDENTIAL

STAT

Approved For Release 2007/02/07 : CIA-RDP70B00338R000300050028-0

Approved For Release 2007/02/07 : CIA-RDP70B00338R000300050028-0